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15 **UNITED STATES DISTRICT COURT**
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17 **NORTHERN DISTRICT OF CALIFORNIA**
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19 **SAN FRANCISCO DIVISION**

20 FIRST UNITARIAN CHURCH OF LOS
21 ANGELES, *et al.*

22 Plaintiffs,

23 v.

24 NATIONAL SECURITY AGENCY, *et al.*,

25 Defendants.

26 Case No: 3:13-cv-03287 JSW

27 **DECLARATION OF GADEIR ABBAS
28 ON BEHALF FOR THE COUNCIL
ON AMERICAN-ISLAMIC
RELATIONS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Date: February 7, 2014
Time: 9:00 A.M.
Hon. Jeffrey S. White
Courtroom 11 - 19th Floor

1 I, Gadeir Abbas, hereby declare:

2 1. I am the Staff Attorney with CAIR Foundation. The facts contained in the following
3 affidavit are known to me of my own personal knowledge and if called upon to testify, I could and
4 would competently do so.

5 2. Our organization seeks to enhance the understanding of Islam, encourage dialogue,
6 and empower American Muslims. Additionally, CAIR Foundation provides legal services to
7 persons who are injured by private or governmental actors subjecting them to discriminatory
8 treatment. Many of the individuals who CAIR Foundation represents are on government watch lists
9 that prevent or inhibit their travel, some of whom are located outside the United States. Others are
10 the target of coercive FBI requests to submit to interrogation.

11 3. The collection of our phone records by the government has and continues to (1)
12 inhibit CAIR Foundation's ability to communicate with its clients in furtherance of its legal services
13 and (2) have other consequences which objectively suggest an impact on, or a 'chilling' of, our
14 organization's associational rights.

15 4. I say this because of the following facts:

16 a. On numerous occasions, prospective clients and current clients have been
17 unwilling to communicate frankly over the phone or via email due to concerns of
18 government surveillance. This has hindered my ability to provide legal services
19 and has also interfered with my ability to assess whether or not to retain
20 particular clients.

21 b. Additionally, believing that the United States would possess records pertaining to
22 any communication I make, I have been forced to counsel clients in person rather
23 than over the phone to avoid surveillance. In some instances, we have removed
24 the batteries from our phones when particularly sensitive discussions arose to
25 prevent the collection of data.

26 c. In a few instances, I have had to utilize specialized encryption computer software
27 to communicate with persons overseas. Such communications cannot and do not

qualitatively replace the utility of communicating over the phone.

d. And as a general matter, because many of the persons CAIR Foundation represents are subject to tangible manifestations of federal government scrutiny, discretion and confidentiality in their communications and associations with us is of paramount importance to such persons. Knowing that the government is certainly logging communications such persons may have with CAIR Foundation will deter these persons from seeking our assistance.

e. The Associational Tracking Program has also interfered with my ability to communicate with co-counsel about issues that pertain to our legal representation of clients.

11 5. Thus, the Associational Tracking Program activities have harmed us because we have
12 assumed extra burdens and have otherwise been inhibited in providing our legal services with clients
13 who had desired the fact of their communication to us to remain secret.

14 6. Further, we can no longer assure prospective clients, current clients, constituents, and
15 CAIR affiliates that their communications with us will not, in the eyes of the federal government,
16 implicate them or otherwise create a relationship with another individual who has also contacted
17 CAIR to seek assistance.

18 7. To illustrate, CAIR Foundation serves as the national headquarters for all local and
19 regional CAIR offices. Although each local affiliate is an independent legal entity, CAIR Foundation
20 frequently communicates by phone with those offices.

21 8. CAIR Foundation, and most CAIR affiliates, provide legal advice and support for
22 Muslims who are being threatened with or who have experienced law enforcement harrassment of
23 some nature. The overwhelming majority of people who contact us are never indicted, however, or
24 are never otherwise formally accused of any crime.

25 9. Nevertheless, CAIR Foundation's work does involve cases (some high profile)
26 involving individuals who have been charged with aiding terrorism or who have otherwise come
27 under formal government indictment or scrutiny, such as those on watch lists maintained by the

1 federal government which are comprised of individuals the government considers “known or
2 appropriately suspected terrorists.”

3 10. It is my understanding that the government uses the Associational Tracking Program
4 to investigate the contacts and relationships of those suspected of terrorism-related activities and
5 crimes.

6 11. It is also my understanding that, when using the Associational Tracking Program, the
7 government often examines multiple “degrees” of relationships between individuals, or “hops” of
8 associations. This means the government can examine the contact patterns and relationships between
9 an individual and their contacts; their contacts’ contacts; and the contacts of their contacts’ contacts. I
10 understand that these webs of associations can expand to include many thousands, if not millions, of
11 people.

12 12. By virtue of this “guilt by association” form of analysis, large swaths of the American
13 Muslim community may be subject to government scrutiny, simply by virtue of having contacted
14 CAIR and because of CAIR’s advocacy efforts on behalf of those who have sought CAIR’s help.
15 That is, if a CAIR client accused or suspected of a terrorism-related crime contacts us, all those who
16 contact CAIR — including our constituents, prospective clients, other CAIR affiliates, and even
17 CAIR affiliate’s prospective clients — are accordingly put at risk of government scrutiny, solely
18 through their shared “association” with CAIR.

19 13. Since the disclosure of the Associational Tracking Program, we have lost the ability to
20 confidently assure American Muslim community members, as well as all others who seek to
21 communicate with us, that the fact of their communications to and with us will be kept confidential.

22 14. When communications to which we are a party trigger additional government scrutiny,
23 our organizational mission is undermined. The Associational Tracking Program makes it more
24 difficult for CAIR to effectively accomplish its mission of defending the civil liberties of American
25 Muslims.

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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct. Executed on November 1, 2013 at Washington DC.

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4 GADEIR ABBAS
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